

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF APPALACHIAN WASTE)	
CONTROL, INC., D/B/A EAST KENTUCKY WASTE)	CASE NO.
CONTROL FOR ESTABLISHMENT OF AN INITIAL)	2003-00507
TARIFF FOR SEWER SERVICES PROVIDED TO)	
THE AREA OF BERKSHIRE SUBDIVISION)	

ORDER

On January 1, 2004, Appalachian Waste Control, Inc. d/b/a East Kentucky Waste Control ("East Kentucky") filed an application to establish initial rates for its service territory of Berkshire Subdivision ("Berkshire"). The requested rate for Berkshire customers is a flat fee of \$35 per month.

In the application, East Kentucky states that the customers of Berkshire have been paying a flat rate of \$35 per month for almost two years and that Lance Bowling took ownership of the wastewater treatment facility serving Berkshire on February 1, 2002. Also in the application, Mr. Bowling states that he was unaware that the \$35 monthly fee was not on file with this Commission.

Mr. Bowling acquired the Berkshire facility from Keith Fairchild through a transfer allegedly in violation of KRS 278.020. The Commission is currently investigating that transfer of ownership in Case No. 2002-00396.¹ In that case the Commission is also reviewing the possibility of illegal charges made by East Kentucky.

¹ Gary K. Fairchild, Appalachian Waste Control, Inc., Lance Bowling d/b/a East Kentucky Waste Control, Alleged Failure to Comply with 807 KAR 5:071, Section 7(1), KRS 278.020(4) and (5), and KRS 278.150(2).

A meeting was held in Case No. 2002-00396 on December 5, 2003. Present at the meeting were members of Commission Staff, Mr. Bowling, and Mr. Fairchild. At that meeting Mr. Bowling presented vendor invoices and cancelled checks that supported the annual expenses for the Berkshire facility as listed in its application of this case. The expenses support the proposed flat, monthly charge of \$35.

The Commission, having reviewed the evidence of record and being otherwise sufficiently advised, finds that:

1. The proposed charges are based on expenses that have been supported by independent documentation.
2. The charges as requested and set forth in the Appendix to this Order are fair, just, and reasonable and should be approved.

IT IS THEREFORE ORDERED that:

1. The charges in the Appendix are approved for services rendered on and after the date of this Order.
2. The proposed tariff sheets filed by Appalachian Waste Control d/b/a East Kentucky Waste Control for the service territory of the Berkshire Subdivision are approved as filed.

Done at Frankfort, Kentucky, this 16th day of January, 2004.

By the Commission

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2003-00507 DATED

The following rate is prescribed for the customers in the area of Berkshire Subdivision served by Appalachian Waste Control d/b/a East Kentucky Waste Control. All other rates, charges, and policies not specifically mentioned herein for Appalachian Waste Control d/b/a East Kentucky Waste Control shall remain the same as those in effect under authority of the Commission prior to the effective date of this Order.

Flat Sewer Rate

Single Family Residential

\$35.00 per Month